

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ALLAN H. PIOQUINTO, an individual,

Plaintiff,

v.

M/V LOWLANDS SCHELDT, an ocean-
going cargo vessel and her appurtenances, *in*
rem, and THE PORT OF PORTLAND,
a municipal corporation, *in personam*,

Defendants.

THE PORT OF PORTLAND, a municipal
corporation, *in personam*,

Third-Party Plaintiff,

v.

KINDER MORGAN OPERATING L.P. “C”, a
foreign limited partnership, *in personam*, and
KINDER MORGAN BULK TERMINALS,
INC., a foreign corporation, *in personam*.

Third-Party Defendants.

ALLAN H. PIOQUINTO, an individual,

NO. 3:18-cv-00411-JR (Lead Case)
NO. 3:18-cv-00412-JR (Trailing Case)

ORDER

Plaintiff,

v.

SANTOKU SHIPPING CO., LTD., a foreign corporation, *in personam*; SANTOKU SENPAKU CO., LTD., a foreign corporation, *in personam*; LUCRETIA SHIPPING, SA, a foreign corporation, *in personam*; KINDER MORGAN BULK TERMINALS, LLC, a foreign corporation, *in personam*; and PACIFIC BASIN HANDYSIZE, LTD., a foreign corporation, *in personam*,

Defendants.

HERNÁNDEZ, District Judge,

Currently before the Court is Plaintiff Allan Pioquinto's Objections to Magistrate Judge Russo's Orders denying Plaintiff's Second Motion to Reopen Discovery [ECF 120 in 3:18-cv-00411-JR, ECF 137 in 3:18-cv-00412-JR]. The matter is now before the Court pursuant to Federal Rule of Civil Procedure 72(a).

In accordance with Rule 72(a), "[w]hen a pretrial matter not dispositive of a party's claim or defense is referred to a magistrate judge to hear and decide, the magistrate judge must promptly conduct the required proceedings and, when appropriate, issue a written order stating the decision." Fed. R. Civ. P. 72(a). The standard of review for an order with objections is "clearly erroneous" or "contrary to law." 28 U.S.C. § 636(b)(1)(A) (applying the "clearly erroneous or contrary to law" standard of review for non-dispositive motions). If a ruling on a motion is not determinative of "a party's claim or defense," it is not dispositive and, therefore, is not subject to *de novo* review as are proposed findings and recommendations for dispositive motions under 28 U.S.C. § 636(b)(1)(B).

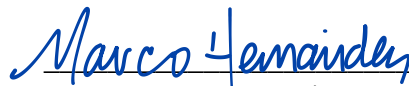
The Court has carefully considered Plaintiff's objections and concludes they do not provide a basis to modify the Magistrate Judge's Opinion and Order. Plaintiff's objections are therefore overruled.

CONCLUSION

The Court AFFIRMS Magistrate Judge Russo's Orders [ECF 113 in 3:18-cv-00412-JR, ECF 131 in 3:18-cv-00412-JR].

IT IS SO ORDERED.

DATED: June 17, 2020.



MARCO A. HERNÁNDEZ
United States District Judge